

## **EXHIBIT A**

1                   counseling with a professional.

2                   Q.     Is there a reason for that?

3                   A.     There is no reason.

4                   Q.     Do you feel that you don't need any type of  
5                   counseling or anything for that?

6                   A.     No.

7                   Q.     I am sorry. No, you don't need counseling?

8                   A.     No, I don't need counseling.

9                   Q.     Okay. You indicate that, and you have just  
10                  stated, that you have been discriminated against and  
11                  you didn't get the promotion because of political  
12                  reasons, and you indicated that part of that reason is  
13                  the speech that you have stated. Can you be specific  
14                  as to what speech you are referring to?

15                  A.     Sure. On several occasions, I spoke with  
16                  Allison Taylor Levine about her perception of the  
17                  dislike that the administration -- the administration  
18                  being Chris Coons and his staff, including Dave  
19                  Singleton and Guy Sapp -- the dislike that they have  
20                  for me because of my perceived allegiance to Dave  
21                  McAllister.

22                  Around April or May of last year, I spoke  
23                  up -- I went to our F.O.P. leadership to -- and  
24                  organized a group of five other officers to inquire



1 about the promotional process, to inquire about why  
2 the positions weren't filled, to inquire about how  
3 many positions were available. And that was something  
4 I organized.

5 Later, there was a meeting, but it was  
6 another occasion where I actually spoke up.

7 Now, with regard to Allison Levine, on  
8 several occasions, we had contact either in person or  
9 by phone, where we discussed the fact that the  
10 administration didn't like me. She asked me to notify  
11 her about certain inquiries from the media. She asked  
12 me to notify her about incidents or events of interest  
13 that would generate media attention. I indicated --  
14 she also asked me to let her and/or the administration  
15 know if -- what Colonel McAllister was planning with  
16 regard to -- and an example was the Delaware Today  
17 article, and I didn't tell her about that. And she  
18 indicated that it was my duty or my obligation to tell  
19 her about media inquiries. I told her that I could  
20 not in good conscience tell her things that would  
21 jeopardize my boss' position. As a PIO or a  
22 spokesperson for the Police Department, my primary  
23 concern is the integrity of the Police Department and  
24 protection of the reputation of the Police Department.



1 Allison and I had had several conversations with  
2 regard to that. She indicated her displeasure with me  
3 for not forwarding that information to her.

4 I have to think for a moment.

5 There was an occasion in early -- there was  
6 an occasion soon after Allison Levine was hired, where  
7 we -- "we" meaning the other PIOs in the County -- met  
8 to discuss strategies for media inquiries with regard  
9 to the upcoming federal trial involving Tom Gordon and  
10 Sherry Freebery.

11 During those meetings, there was a concern  
12 about -- I don't recall who brought it up, but there  
13 was a concern about the DM initials in the indictment  
14 and how we would handle media inquiries about who  
15 everybody believed DM was, Dave McAllister, how we  
16 would handle media inquiries. I spoke up at that  
17 meeting and indicated that the initials DM in the  
18 indictment, although appear to be -- alleged to be a  
19 possible crime with regard to a DELJIS violation, I  
20 spoke up for Dave McAllister, or DM, and indicated  
21 that we had researched whether or not there was a  
22 DELJIS violation, and, in fact, it was not.

23 We also spoke about the Fieldstone project  
24 and the fact that our Land Use Department had

1 researched whether there was any wrongdoings, and it  
2 was found that it was not. During that conversation,  
3 I had indicated that Dave McAllister had not done  
4 anything wrong, and I thought they were overreacting  
5 with regard to media inquiries with regard to his  
6 initials. Essentially, I spoke up for Dave McAllister  
7 and attempted to assure everyone in that room that he  
8 had done nothing wrong.

9                   I have to think about other occasions.

10          Q. Okay. We can come back. I'll ask before we  
11 conclude the deposition if there is any other speech  
12 that you recall.

13                   Just so that we're clear. In your  
14 complaint here that you have alleged, you are not  
15 claiming that you did not get the promotion due to  
16 racial discrimination. Are you?

17          A. No.

18          Q. Have you ever been a party to any other  
19 lawsuits?

20          A. No.

21          Q. Have you ever filed any complaints with any  
22 other governmental agencies, such as the EEOC or the  
23 Department of Labor?

24          A. I have not.



1 Q. Are you married?

2 A. I am.

3 Q. Do you have any children?

4 A. I do.

5 Q. How many?

6 A. Three.

7 Q. Their ages?

8 A. 10, 8 and 18 months.

9 Q. And have you ever been married before?

10 A. Yes.

11 Q. Where did you go to high school?

12 A. William Penn High School.

13 Q. And have you gone any further than high school?

14 Any degrees further than that?

15 A. Yes. I graduated from Delaware Technical  
Community College, and I am presently enrolled in  
Wilmington College for criminal justice.

16 Q. When did you graduate from Delaware Technical  
School?

17 A. In 2000.

18 Q. What are you currently studying at Wilmington  
College?

19 A. Undergrad, criminal justice.

20 Q. How many credits do you have so far?



1 A. I am not sure. I did obtain an associate's  
2 degree. I have taken one class at Wilmington College.  
3 I am presently enrolled in a class, but there are  
4 several classes that I won't have to take for what's  
5 called PLA, that you could provide a portfolio in  
6 those classes -- you'll have to pay for it, but you  
7 won't have to take and there is about five or six of  
8 those classes. So I am not sure how many credits I'll  
9 have after that time.

10 Q. The class you are currently taking, does it  
11 meet at night?

12 A. Pardon me?

13 Q. It meets at night?

14 A. Yes.

15 Q. You are only just taking that one class?

16 A. Yes. It's a seven-week block class.

17 Q. When did you start your employment with New  
18 Castle County?

19 A. September 30th, 1991.

20 Q. And what did you do prior to that?

21 A. Several things. I sold life insurance. I  
22 drove a school bus.

23 Q. Can you give me some time frames of how long  
24 you did each?



1           A.     When I was 15-years old, which would have been  
2     around 1984, I started my first job at the Miller's  
3     Carpet Center. I really don't recall how long I  
4     worked there. Probably a couple months. There I went  
5     to the Air Base Carpet Mart, where I worked for a few  
6     years during high school.

7                 When I graduated from high school, I worked  
8     for Sutton Bus Company for, I want to say, two years.  
9     I worked for a liquor store. I don't remember the  
10   name of the place. But it was by -- I think it was  
11   Willow Run Liquors. I also, around that time, worked  
12   for American General -- it's a life and health  
13   insurance company -- and worked there until I became a  
14   police officer.

15           Q.     When you first applied for a job at New Castle  
16   County it was as a police officer?

17           A.     Yes.

18           Q.     Can you just give me a little bit of your  
19   career history as a police officer starting from after  
20   you graduated, I guess, from the academy?

21           A.     I was assigned to B Squad in patrol. I worked  
22   until -- I'm sorry. I graduated from the academy, I  
23   want to say on May 28th, 1992. I worked in patrol  
24   from that period until October 1998.

1 Q. During that time, do you recall who your  
2 immediate supervisor was when you worked at B Squad?

3 A. My first supervisor was Lieutenant James  
4 Sharkey.

5 Q. Do you recall who the chief of police was when  
6 you were hired?

7 A. Yes. It was Tom Gordon.

8 Q. Then you left B Squad October 28th of what  
9 year?

10 A. It was October 1998.

11 Q. Okay. Then from there?

12 A. I was assigned to the Public Information Office  
13 for the Police Department.

14 Q. Was that a job you applied for?

15 A. No. Well, I did submit memorandums for that  
16 position as well as memorandums for the criminal  
17 investigation unit.

18 Q. Do you still have copies of those memorandums?

19 A. I do not.

20 Q. At that time, who was chief of police?

21 A. John Cunningham.

22 Q. Were those memos directed to him?

23 A. Yes. Through the chain of command.

24 Q. Can you summarize for us what the memorandums



1 Q. How long did he serve as PIO, if you recall?

2 A. I am not sure. I would say, again, several  
3 months, perhaps two or more years.

4 Q. And you said is it Pat Crowell?

5 A. Yes.

6 Q. How long did he serve as PIO, do you recall?

7 A. I don't know. Around the same time as everyone  
8 else.

9 Q. Around two years?

10 A. I am guessing.

11 Q. Okay. And how long have you currently been  
12 serving -- are you still currently the PIO for the New  
13 Castle County Police Department?

14 A. I am.

15 Q. How long have you been serving in that  
16 position?

17 A. Seven years and about eight months.

18 Q. So when you came into the PIO position,  
19 Cunningham was the chief?

20 A. Yes, ma'am.

21 Q. And you also served under McAllister; is that  
22 correct?

23 A. Yes, ma'am.

24 Q. And currently serving under the acting chief,

1 Lieutenant Colonel Scott McLaren?

2 A. That's correct.

3 Q. When you first took the position as PIO, what  
4 did you believe your duties and responsibilities were  
5 going to be?

6 A. To promote the department; to protect the  
7 department from negative press; to inform the media of  
8 day-to-day police operations, arrests, programs, those  
9 types of -- I was the media coordinator for the Police  
10 Department.

11 Q. Who was your immediate -- I guess who was and  
12 is your immediate supervisor as the PIO?

13 A. When I first started in 1998, Lieutenant Vince  
14 Kowal was my immediate supervisor. He has since  
15 retired. And since then, I did work for or with  
16 Lieutenant Patrick Crowell for some time. I don't  
17 recall if at that point he was my supervisor or if I  
18 fell directly under the chief of police. But I do  
19 recall lieutenant Crowell did do my evaluations.

20 Q. After Lieutenant Crowell, assuming he may have  
21 been a supervisor at that time, after he was no longer  
22 serving in that capacity, who would have done your  
23 evaluations?

24 A. I know that Jack Cunningham did do some of my



1 Q. Okay.

2 A. I think that the day-to-day operations are  
3 conducted by Colonel McLaren. However, Dave Singleton  
4 involved in many of the major decisions that occur --  
5 perhaps not daily, but that occur within the Police  
6 Department.

7 Q. Can you give any examples?

8 A. I can't give specific examples. I can tell you  
9 that from what I have heard from Lieutenant Colonel  
10 McLaren, Major Snyder, and just others who were  
11 speaking, and I don't recall specifically who, that  
12 Guy Sapp makes no decisions and that Guy Sapp has to  
13 have approval for any decisions within the Police  
14 Department from Dave Singleton.

15 Q. Who do you believe is Guy Sapp's direct  
16 supervisor?

17 A. I am assuming it's either Dave Singleton or  
18 Chris Coons.

19 Q. And who do you think that Lieutenant Colonel  
20 McLaren answers to is his direct supervisor?

21 A. The director of public safety.

22 Q. And is Lieutenant Colonel McLaren your direct  
23 supervisor?

24 A. Yes.

1 Q. So, theoretically, Guy Sapp and David Singleton  
2 are in your chain of command?

3 A. I would say that they're my superiors. My  
4 chain of command is chief of police. Typically, a  
5 corporal would have, perhaps, a sergeant in the  
6 command, a lieutenant, then a captain and then major  
7 and acting lieutenant colonel and colonel. I work  
8 directly for the chief of police.

9 MR. MARTIN: Michele, is this a good spot  
10 to take a break?

11 MS. ALLEN: This is an excellent spot to  
12 take a break.

13 (Recess taken.)

14 BY MS. ALLEN:

15 Q. Mr. Navarro, I wanted to talk to you a little  
16 more in detail about your position as PIO for the New  
17 Castle County Police Department. I think much earlier  
18 on in the deposition you described your duties and  
19 responsibilities as PIO. Has that changed over the  
20 years?

21 A. Well, I had other duties assigned to me that  
22 weren't necessarily media relations related, but my  
23 duties have not changed.

24 Q. Do you enjoy being the PIO?



1 sure.

2 Q. Why do you think?

3 A. Well, Rich Dunning had recently been suspended  
4 for tampering with evidence, was -- received major  
5 discipline for that. And I don't think that he  
6 believed he was in the running.

7 Q. Why would he not do anything to assist just  
8 specifically only in yours and Treadwell's promotion?

9 A. I don't know.

10 Q. Other than Dunning, everybody else agreed they  
11 wanted the information as well?

12 A. Yes.

13 (Navarro Deposition Exhibit No. 3 was  
14 marked for identification.)

15 BY MS. ALLEN:

16 Q. I am showing you what's been marked as Exhibit  
17 3. It appears to be a memorandum to the F.O.P. board  
18 of directors from yourself and the other officers that  
19 you reached out to. Is that a fair assessment?

20 A. I apologize. I was reading.

21 Q. That's okay. I just asked you: Is this a  
22 memorandum to the F.O.P. from yourself and the other  
23 officers who you reached out to?

24 A. Yes. I typed that memo.



1 Q. And I guess, can you just give me a little more  
2 detail on this? Is this something officially you have  
3 to do for the F.O.P.?

4 A. Well, I have never sought the assistance of the  
5 F.O.P. in the past. Never been disciplined or  
6 investigated with the exception of a departmental  
7 shooting that I was involved in. So I don't  
8 specifically know whether this is the appropriate way  
9 to notify or ask for assistance. I did this this way  
10 so that my request was documented.

11 Q. And did anything come out of this request?

12 A. Yes. The F.O.P. president, Marge Ellwein,  
13 scheduled a meeting with the chief of police and  
14 director of public safety, which was --

15 Q. Do you know when that meeting was?

16 A. In May of 2005.

17 Q. Do you know exactly when it was or no?

18 A. I don't know the exact date.

19 Q. Who was present at the meeting other than the  
20 chief of police and the director of public safety?

21 A. All of the officers you see on this list except  
22 for Rich Dunning.

23 Q. And he's not on the memorandum?

24 A. I apologize. He -- as you can see, all the



1       A. Not for sure, no. I had heard rumor that they  
2 weren't going to be filled. And Allison Levine  
3 herself said in her deposition that she knew that they  
4 weren't going to be filled.

5       Q. Throughout your complaint you reference your  
6 conversation with Allison and then in some portions  
7 you use quotation marks to indicate certain things  
8 that you claim Allison had stated. And then in one  
9 particular paragraph, I think, which is 26, you state  
10 that based upon information and belief you believe  
11 those statements that Allison made are attributed to  
12 the County Executive Chris Coons. Can you state your  
13 basis for that?

14       A. Well, Allison herself had said she had several  
15 conversations with the County Executive with regard to  
16 me and my work performance as a PIO. She did detail  
17 those in her deposition. She, however, couldn't  
18 remember what his responses were.

19                   She being the PIO is in the core team. She  
20 is directly associated, involved with the County  
21 Executive. It is my opinion that what she was telling  
22 me was from him -- not necessarily as a message, but  
23 it was from him. The fact that they didn't trust  
24 Trini; the rumors that she had heard about my

1 involvement in some murder investigation in Las Vegas  
2 and other things that she said about me I attribute  
3 coming from Chris Coons.

4 Q. But she never said to you Chris said this?

5 A. She did not.

6 Q. You indicate in paragraph 20 in the complaint  
7 that you advised Levine that you would not in good  
8 conscience do anything to assist her or the  
9 administration to ruin McAllister's reputation. Did  
10 Allison ever ask you to do anything to ruin  
11 McAllister's reputation?

12 A. No.

13 Q. Did the administration ever ask you to do  
14 anything to ruin McAllister's reputation?

15 A. No.

16 Q. You indicate that Allison told you that you  
17 were on the losing team and your career would be  
18 harmed if you continue to be on McAllister's team. I  
19 apologize. That's paragraph 21. And that you would  
20 have a long and difficult seven years ahead of you,  
21 assuming Coons was reelected. Did you ever ask her  
22 what exactly she meant by those statements?

23 A. No.

24 Q. Again, in paragraph 22, she states you don't



1 Q. That's what you took from Chris butters the  
2 bread?

3 A. Yes.

4 Q. I am going talk about the conversation that  
5 we've talked about it throughout the deposition, but  
6 specifically about the conversation that you had with  
7 Cris Barrish. Do you recall exactly when that  
8 conversation took place?

9 A. I can look at the notes and tell you if that's  
10 okay.

11 Q. Is it in the complaint?

12 A. Yes, ma'am.

13 Q. It may be paragraph 18.

14 A. On June 26th or June 27th.

15 Q. Okay. Who initiated the phone call?

16 A. He called me.

17 Q. Can you tell me what he said?

18 A. Well, my best recollection of what he said was  
19 he had had information that confirmed that the  
20 initials in the document, DM, were in fact Dave  
21 McAllister and that he was going to author a story to  
22 say that, in effect.

23 Q. Did he ask you for confirmation of that?

24 A. No.



1 Q. Was he just giving you a heads-up?

2 A. No. Cris is a savvy reporter who has been  
3 around for a long time, who will try to make friends  
4 with you and then obtain information from you sort of  
5 off the record and -- well, I know better than to go  
6 off the record with Cris Barrish. We had a  
7 conversation. The way Cris talks is sort of  
8 whispering, hey, you know, what can you tell me about  
9 this, what can you tell me about that. I didn't  
10 answer any questions with regard to the investigation.  
11 He asked about the initials. After answering and then  
12 telling him I couldn't help him, I told the chief of  
13 police.

14 Q. What did you tell -- you said you gave no  
15 response to the questions about the investigation?

16 A. Yes.

17 Q. So, essentially, you gave him no answers?

18 A. No, I don't believe so.

19 Q. When he asked whether or not the initials were  
20 DM, did you consider that a matter of public concern?

21 A. Sure.

22 Q. How so?

23 A. Well, the DM is the chief of police. He's the  
24 big toe for the Police Department. He's the face of



1           the Police Department. Anyone who would try to  
2 discredit himself or the Police Department without  
3 proof, I believe is a public concern.

4           Q. Who else knew about the conversation with Cris  
5 Barrish other than the Chief of Police McAllister.

6           A. Besides Cris, I mean, I don't recall telling  
7 anyone else. I don't know if McAllister told anyone  
8 after that, but I don't recall telling anyone else.

9           Q. Did McAllister tell you not to report that  
10 inquiry to Allison Levine?

11          A. No, not at all.

12          Q. Did you notify anybody in the Law Department  
13 that Cris Barrish was seeking information about the  
14 investigation?

15          A. I personally did not. I was under the  
16 assumption the chief would do that. I have never  
17 called the Law Department about anything.

18          Q. And I think you have gotten into this before,  
19 but, again, back to the initials of DM in the  
20 indictment. You indicate that you thought the  
21 integrity of the Police Department was being  
22 questioned. How so?

23          A. Well, clearly, the indictment indicated that a  
24 police officer that goes by DM had committed a DELJIS



1 violation when in fact no violation occurred. The  
2 allegation was that there was a person named Joe  
3 Diamond who sent a threatening letter to the County  
4 Executive. Dave McAllister researched this Joe  
5 Diamond person, found there was no person named Joe  
6 Diamond. And that was the extent of his research.

7 Should the County Executive today receive a  
8 letter, a threatening letter from Joe anyone, we would  
9 do the exact same thing. So it was determined that,  
10 in my mind, and Colonel McAllister's mind that he did  
11 not commit a DELJIS violation.

12 Q. I think I am going to draw your attention to  
13 the interrogatories. That's Exhibit 2.

14 A. Yes, ma'am.

15 Q. You had stated prior to the deposition  
16 beginning that you didn't have a chance to review  
17 them. Have you since had a chance to review them?

18 A. Yes, ma'am.

19 Q. And do you agree that the answers provided in  
20 each of these questions are full and complete?

21 A. Well, it asks specific contents of -- I don't  
22 have the address of many of these people or any of  
23 these people. And I don't have the specific subject  
24 matter. So to answer your question, no.



1 Q. That's way out of range, right?

2 A. Well --

3 Q. In terms of being considered for a sergeant's  
4 promotion.

5 A. It is out of range, yes.

6 Q. And then the next year, the year 2000, you were  
7 48th. That's the case?

8 A. Yes, sir.

9 Q. Then in '01, you came in 17th. Was that within  
10 range?

11 A. Within range of what?

12 Q. The range of one could reasonably expect a  
13 promotion the next year.

14 A. Depending upon attrition, retirement. Probably  
15 not, but it could have been close.

16 Q. You know what caught my eye about this, as I  
17 was assembling this exhibit, is this list remained in  
18 effect for almost two years. Do you have any  
19 recollection as to why it went from November of '01  
20 until July of '03?

21 A. This list was good for one year. There was a  
22 delay in the next test. But the list itself only  
23 lasts a year. They don't always start another testing  
24 process immediately after a list expires.

1 Q. So there were no promotions made for the  
2 remaining eight months?

3 A. I don't know. I don't recall.

4 Q. And then in July of '03, the year closest to  
5 this, the one that leads to this lawsuit, you came in  
6 53rd?

7 A. Yes, sir.

8 Q. And this despite the fact that McAllister gave  
9 you a maximum 100 rating points. Correct?

10 A. Yes, yes.

11 Q. That was disappointing, wasn't it?

12 A. Sure, it was.

13 Q. So 12th was -- when you came in 12th the year  
14 after that was the best you had ever done?

15 A. Yes.

16 Q. Do you have any idea why you did better that  
17 year than you had in the past which, with the  
18 exception of November of '01, were in numbers in the  
19 40s and 50s?

20 A. I know why in '03 I came out 53.

21 Q. Why is that?

22 A. It was the same test was administered that year  
23 as the previous year. We were allowed to review that  
24 test. And people who reviewed that test scored much

1           A.     Because my understanding was to go through the  
2         F.O.P. to -- because they have, I guess, the request  
3         would have some teeth if it came from the F.O.P. The  
4         F.O.P. traditionally files grievances for incidents  
5         such as this, such as the fact that there is an active  
6         list, there are openings and they haven't been filled.  
7         So I went to the F.O.P., not accusing anyone of  
8         anything. You can see by the tone of the memo. I  
9         simply wanted to know how many openings there were and  
10        why weren't they being filled.

11           Q.     And you thought the only person who could get  
12        an answer to that was the F.O.P.?

13           A.     I thought that that person would be the  
14        appropriate person to ask.

15           Q.     And then there was a meeting May 16th attended  
16        by Colonel McAllister and public safety director Sapp  
17        and the folks on that list and the F.O.P. president?

18           A.     I think that's the date, sir.

19           Q.     Well, I think your counsel has a letter in  
20        front of him that may peg the date.

21           A.     Yes, sir. May 16th.

22           Q.     Okay. And you left that meeting -- this is the  
23        form of the question -- you were somewhat relieved by  
24        what you heard in that meeting. And you heard public

1 safety director Sapp say that there would be three  
2 promotions in the fiscal year, early in the new fiscal  
3 year. Is that --

4 A. Did I leave there happy or satisfied?

5 Q. I wouldn't use the word "happy." I think you  
6 said our concerns were relieved or something like  
7 that.

8 A. Yeah. There was light at the end of the  
9 tunnel. We had an answer. It was determined that  
10 there were three openings and that they would be  
11 filled on July 1st. Now, we knew that the excuse of a  
12 deficit was, perhaps, a shoddy excuse because we were  
13 paying actors that 5 percent premium for doing 20  
14 percent of the work. But we decided, you know, we  
15 were happy with that response. And there was light at  
16 the end of the tunnel.

17 Q. But then you began hearing in June that there  
18 might not be all three promotions in July; is that  
19 correct?

20 A. I would say it was probably, yes, sir, sometime  
21 in June. Exactly when I am not sure. Rumors, as you  
22 heard, are pretty rampant around the Police  
23 Department.

24 Q. Do you recall anyone who passed that level of



## **EXHIBIT B**

**Division 26.03.500. Certification and appointment.**

**Sec. 26.03.501. Requisitions for filling vacancies.**

All requisitions for the filling of vacancies shall be made on official forms as designated by the Chief Human Resources Officer and as authorized by the Finance Office and the Chief Administrative Officer.

(Ord. No. 98-047, § 1(26-231), 5-12-1998)

**Sec. 26.03.502. Anticipation of need.**

A. Insofar as possible, each vacancy shall be anticipated sufficiently in advance to permit the Chief Human Resources Officer to determine who may be available for appointment and to establish an eligible list.

B. By December 1 and June 1 of each year, each department general manager shall have conducted a personnel utilization needs study of the department and shall have reported to the Chief Human Resources Officer anticipated personnel requirements for the forthcoming six (6) month period.

(Ord. No. 98-047, § 1(26-232), 5-12-1998)

**Sec. 26.03.503. Method of filling vacancies.**

Vacancies shall be filled by certification from transfer lists, demotion lists, reemployment lists, promotional lists and open-competitive lists.

(Ord. No. 98-047, § 1(26-233), 5-12-1998)

**Sec. 26.03.504. Certification of eligibles.**

Promotional and open-competitive candidates shall be certified from all available lists in order of their ranking. With respect to the open-competitive list, where candidates are held to be equal, preference in certification shall be given to the County resident over the non-County resident.

(Ord. No. 98-047, § 1(26-234), 5-12-1998)

**Sec. 26.03.505. Number of names to be certified.**

A. When a personnel requisition is received, the Chief Human Resources Officer shall certify the top five (5) names from the promotional and open-competitive lists.

B. When multiple vacancies are to be filled from the same eligible list, the Chief Human Resources Officer shall certify the top five (5) names plus one (1) additional name in rank order from the top of the list for each additional vacancy to be filled.

(Ord. No. 98-047, § 1(26-235), 5-12-1998)

124), adopted May 26, 1998.

(Ord. No. 98-050, § 2(2-124), 5-26-1998; Ord. No. 99-135, § 1, 12-14-1999)

#### **Sec. 2.05.105. Board of License Inspection and Review--Rules of procedure.**

The Board of License Inspection and Review shall have the power to make and revise or rescind such rules as it may deem necessary or appropriate to provide an appeal procedure and otherwise conduct its affairs.

(Ord. No. 98-050, § 2(2-125), 5-26-1998)

#### **Division 2.05.200. Department of Public Safety.**

##### **Sec. 2.05.201. Functions.**

The Department of Public Safety shall be managed by a Director of Public Safety. The Department shall be comprised of the Division of Police, the Division of Emergency Medical Services, the Division of Emergency Communications and the Office of Emergency Management.

1. a. The Division of Police shall be supervised by a Chief of Police, who shall report to and be supervised by the Director of Public Safety. The Division of Police shall perform the following functions:

- i. Organize, administer, supervise, and discipline the police force of the County;
- ii. Enforce traffic regulations and investigate accidents;
- iii. Make legal searches, seizures, and arrests, and exercise such legal authority incident thereto;
- iv. Maintain and operate lockups for the temporary confinement of prisoners;
- v. Maintain peace, protect life, property and all other rights and liberties of the people, and do and perform all other lawfully assigned acts;

b. The Division of Police may perform the following functions:

- i. Provide school crossing guard service in the manner and to the extent authorized by ordinance; and
- ii. Establish other functions related to public safety.

2. The Division of Emergency Medical Services shall be supervised by the Chief of Emergency Medical Services, who shall report to and be supervised by the Director of Public Safety. The Division of Emergency Medical Services shall operate an emergency medical service for individuals who become unexpectedly ill or incapacitated, to include the provision of advanced life support paramedic services.

3. The Division of Emergency Communications shall be supervised by the Chief of Emergency Communications, who shall report to and be supervised by the Director of Public Safety. The Division of Emergency Communications shall operate and maintain an integrated communications system designed to facilitate the prompt, efficient, and effective performance of its function.

4. The Office of Emergency Management shall be supervised by a Coordinator of Emergency Management, who shall report to and be supervised by the Director of Public Safety. The Office of Emergency Management shall prepare and maintain a County comprehensive emergency operations plan and other plans as appropriate to provide guidance and direction to units of County government, and which are integrated into and coordinated with emergency management plans of the federal government, State of Delaware and political subdivisions in the County.

(Ord. No. 98-050, § 2(2-131), 5-26-1998; Ord. No. 05-123, § 1, 11-22-2005)

### **Sec. 2.05.202. Fire And Ambulance Advisory Board--Composition; Chairperson; fire districts.**

A. The Fire and Ambulance Board shall be composed of seven (7) members. One (1) member shall be appointed from each fire district and shall represent his or her district and may not be a full-time County employee. The Chairperson shall be one (1) of the nominees submitted from the fire districts and shall be appointed by the County Executive.

B. The fire districts shall be composed as follows:

TABLE INSET:

District	Stations
1	22-28-20
2	11-25-13
3	12-21-8 & 9
4	26-24-27
5	19-14-16
6	23-30-17
7	18-15-29

(Ord. No. 98-050, § 2(2-132), 5-26-1998)

### **Sec. 2.05.203. Fire and Ambulance Advisory Board--Organization; appointment; terms; Vice-chairperson; duties and powers.**

A. *Members; terms; removal; Vice-chairperson; quorum.*

1. The members of the Fire and Ambulance Advisory Board shall be appointed by the County Executive with the advice and consent of County Council. The district members shall be appointed by the County Executive from the nominees from each district as chosen by the active fire chiefs and active presidents of each district. There shall be at least two (2) nominees submitted for each district to be represented, except that one (1) nominee may be submitted to be appointed as a representative of a district if that nominee has the support and endorsement of the active fire chiefs and active presidents from all three (3) stations in that district. Such support and endorsement shall be evidenced by a nominating petition in writing, signed by all of the active fire chiefs and active presidents and sent to the County Executive.

2. The terms of the members shall be two (2) years.

3. A fire company may be represented on the Fire and Ambulance Advisory Board for

## **EXHIBIT C**

*July/Julie*  
Introduced by: J. William Bell  
Date of Introduction: 11/8/2005

*Ms. Powell*

**ORDINANCE NO. 05-123**

**AN ORDINANCE TO AMEND CHAPTER 2  
OF THE NEW CASTLE COUNTY CODE  
REGARDING POLICE AND THE  
DEPARTMENT OF PUBLIC SAFETY**

**WHEREAS**, on August 6, 2003, by Ordinance 03-067, County Council authorized the position of Director of Public Safety; and

**WHEREAS**, on January, 2005, the General Assembly of the State of Delaware passed House Bill 29 amending Section 1122 of Title 9 of the Delaware Code to re-authorize the County Executive to merge, establish and modify departments of the County and to prescribe the functions and management systems of such departments, subject to the approval of County Council; and

**WHEREAS**, the County Executive and County Council deem it important to reorganize the Police Department to more efficiently and effectively meet the needs of the citizens of New Castle County.

**NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

**Section 1.** *New Castle County Code*, Chapter 2 ("Administration"), Division 2.05.200 ("Police Department"), Section 2.05.201 ("Functions") is hereby revised by the addition of the underlined text and the deletion of the text contained within brackets as set forth below:

**Division 2.05.200. [Police] Department of Public Safety.**

**Sec. 2.05.201. Functions.**

[A.] The Police Department, managed by a Chief of Police, shall perform the following functions:

1. Organize, administer, supervise, and discipline the police force of the County;
2. Enforce traffic regulations and investigate accidents;
3. Make legal searches, seizures, and arrests, and exercise such legal authority incident thereto;
4. Maintain and operate lockups for the temporary confinement of prisoners;
5. Maintain peace, protect life, property and all other rights and liberties of the people, and do and perform all other lawfully assigned acts;
6. Operate and maintain an integrated communications system designed to facilitate the prompt, efficient, and effective performance of its function and
7. Organize, administer, supervise, and discipline a fire department created pursuant to 9 Del.C. §1335.

B. The Police Department may perform the following functions:

1. Provide school crossing guard service in the manner and to the extent authorized by ordinance;

2. Prepare and maintain a County comprehensive emergency operations plan and other plans as appropriate to provide guidance and direction to units of County Council, and which are integrated into and coordinated with emergency management plans of the federal government, State of Delaware and political subdivisions in the County;
3. Operate an emergency medical service for individuals who become unexpectedly ill or incapacitated, to include the provision of advanced life support paramedic services; and
4. Establish other functions related to public safety.]

The Department of Public Safety shall be managed by a Director of Public Safety. The Department shall be comprised of the Division of Police, the Division of Emergency Medical Services, the Division of Emergency Communications and the Office of Emergency Management.

1. a. The Division of Police shall be supervised by a Chief of Police, who shall report to and be supervised by the Director of Public Safety. The Division of Police shall perform the following functions:
  - i. Organize, administer, supervise, and discipline the police force of the County;
  - ii. Enforce traffic regulations and investigate accidents;
  - iii. Make legal searches, seizures, and arrests, and exercise such legal authority incident thereto;
  - iv. Maintain and operate lockups for the temporary confinement of prisoners;
  - v. Maintain peace, protect life, property and all other rights and liberties of the people, and do and perform all other lawfully assigned acts;b. The Division of Police may perform the following functions:
  - i. Provide school crossing guard service in the manner and to the extent authorized by ordinance; and
  - ii. Establish other functions related to public safety.
2. The Division of Emergency Medical Services shall be supervised by the Chief of Emergency Medical Services, who shall report to and be supervised by the Director of Public Safety. The Division of Emergency Medical Services shall operate an emergency medical service for individuals who become unexpectedly ill or incapacitated, to include the provision of advanced life support paramedic services.
3. The Division of Emergency Communications shall be supervised by the Chief of Emergency Communications, who shall report to and be supervised by the Director of Public Safety. The Division of Emergency Communications shall operate and maintain an integrated communications system designed to facilitate the prompt, efficient, and effective performance of its function.
4. The Office of Emergency Management shall be supervised by a Coordinator of Emergency Management, who shall report to and be supervised by the Director of Public Safety. The Office of Emergency Management shall prepare and maintain a County comprehensive emergency operations plan and other plans as appropriate to provide guidance and direction to units of County government, and which are integrated into and coordinated with emergency management plans of the federal government, State of Delaware and political subdivisions in the County.

**Section 2. Effective Date.** This ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive.

Adopted by County Council  
of New Castle County on: *11/22/05*



President of County Council  
of New Castle County

Approved on:

*John J. Coughlin*  
County Executive  
New Castle County

*11/30/05*

**Synopsis:** This Ordinance renames the Police Department the Department of Public Safety, places the management of the Department under the authority of the Director of Public Safety, and creates three divisions, Police, Emergency Medical Services and Emergency Communications and one office, Emergency Management, within the Department.

**Fiscal note:** This Ordinance, if adopted would change the name of the Department of Police to the Department of Public Safety. If approved, this legislation may result in additional administrative expenses due to changing the name of the Department on all correspondence/signage/etc.

*Michael Stone*  
*PPS*